Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of:	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
	)	DA-25-133
To the Commission	)	

COMMENTS OF SAM BROWN

In the over 40 years that I have been looking at FCC documents, this is the most open-ended call for comments that has ever been issued. It provides the opportunity for creativity but also begs for focus. In general, the idea of deregulation is sound and many rules have long outlived their utility.

As a matter of introduction, I am respectfully filing these comments personally in the public interest, based upon my experiences as a broadcast consultant, former commercial radio station owner, radio employee, broadcast engineer, operations manager of a national radio news network (UPI Radio), political observer, longtime radio hobbyist, ham radio licensee, former telephone carrier owner, lifelong devoted radio listener and close observer of the industry. The views expressed here do not represent any specific client, and are intended only for the betterment of broadcasting and telecommunications; and more generally the streamlining and addition of common-sense to regulations. They are in no particular order of priority, but it is hoped that all or many will useful ideas and starting points for discussions.

AM Radio:

A few thoughts come to mind for AM.

1. Stop accepting new applications for AM stations, except for those that will use MA3, HD-only broadcasting, or are in Alaska.

2. Remove skywave night protection for Class A stations, and protect them to the 0.5 contour, as they should also be in the daytime. With today's interference levels, there is no justification for protecting any contour below 0.5 for these stations. This would make them consistent with other classes and thus simplify the rules while allowing opportunities for some stations to grow.

3. For AM stations with FM translators, delete the rule requiring the station to only operate the translator while the AM is operational. Though the rule may not be widely followed, under current regulations, an AM station off the air for transmitter problems or a power outage would be expected to turn off its translator. However, in many cases the translator is what serves most of the station's audience. Similarly, an AM with very poor night coverage could logically elect to save on power bills or maintenance by turning the AM off at some consistent time of the evening or overnight and leaving the translator operating.

4. AM stations that wish to turn off their AM signals permanently and leave a translator running should be able to do so, while keeping their AM call-letters (if desired) and becoming primary. More specifically, the translator would not be protected in any new ways from any existing interference, nor from that in applications prior to their own. Once the status change is filed, new applications would need to protect the translator. The translator would need to still need to protect existing full-power FM facilities to their 45 dBμ contour as all translators are required to do. No increased FM interference would come from this change, and decreased AM interference is likely for those remaining on the band.

5. As above in item 4, AM stations converting to MA3 transmission would receive primary status on translators for 5 years. Current automotive HD penetration is about 60% in newer vehicles, so most in-car listeners will eventually have the opportunity to enjoy MA3 broadcasts.

6. Allow AM stations without translators to apply for them at any time, rather than waiting for a specific window. In practical experience, this type of translator has had the greatest chance of having local programming, often providing needed service for underserved areas or populations. Though this would fill more of the available spectrum, it is likely to be the highest and best use thereof. AM broadcasters are working hard to serve their communities, despite the limitations of modern interference and audio-quality expectations. They should be encouraged.

FM Radio:

1. Eliminate all references to "channel numbers", and use frequencies instead. An old-timer engineer explained to me many years ago that the channels were an early attempt to encourage the use of FM by making easier to find stations, under the assumption that most people would be confused by the decimal frequencies and with the experience of TV's universal use of channels instead of frequencies. Obviously, this never became popular and now requires extra explanation or translation every time it appears. Modern word-processing makes such a change easy in rules and documents. If you are in doubt, when is the last time you sought out Kool-237, Q-295, or Public Radio 212?

2. Eliminate almost all 3rd adjacent interference protections for all classes of stations. For full-power stations that proposed to be 3rd adjacent to other full-power stations, the effects of Receiver-Induced-Third-Order-Effects (RITOE) should be considered if they could occur within the protected contour of another station, or if if they could affect the aviation band that starts at 108 MHz.

3. Eliminate almost all 2nd adjacent interference protections. This should be done with the same considerations as in item 2 above, except that all such arrangements should consider RITOE. On almost any radio made in the last 35 years, there is almost no 2nd adjacent interference except in the most intese part of the blanketing contour where much of the FM dial may be obliterated when one is at a transmitter site or driving past the tower. Especially in the cases of translators and NCEs, many applications need to go to great lengths to justify waivers of the 2nd adjacent rules. These are routinely granted and do not cause issues. Similarly, there are whole regions where the historical spacing of FM stations has been mostly at 2nd adjacent positions and there is no evidence of frequent interference issues or reduced listening.

4. The virtual FM stations created by TV Channel 6 should be allowed to operate, preferably on 87.7 rather than 87.75 MHz, and protected to the same extent as other stations of an equivalent class, based on power and HAAT. Other special protections of TV 6 by FM stations are outdated and should be deleted.

Non-commercial and LPFM:

Note: The section above is general to all FM, but some issues are specific to these broadcasters.

Maintain the requirement for non-profit operation, but allow limited commercials. Specifically, on LPFMs, there should be no restriction. Stations harmlessly though inconveniently skirt these rules with carefully devised scripts now. On other NCEs (FM and TV), allow enough commercial advertising to reasonably cover costs of operating the station, and unlimited metadata advertising. The "covering costs" rule would mean the station could not become a revenue-generator, even for a non-profit entity, nor could salaries be used to unreasonably make large virtual profits for individuals in ownership or management (thus making it a disguised commercial station). As the nation becomes less likely to desire government funding of Public Broadcasters, it would be a good time to provide them better opportunities to derive needed funds from their communities. The change would make it easier for them to be funded by businesses, while preventing them from being significant competition to commercial broadcasters.

Telecommunications:

In the regulation of telephone company interconnection, the FCC has pre-empted state regulation of local calling areas for cellular service on the basis that it is intrinsically interstate. As a practical matter in the modern era, all phone service should be considered this way. These sensible regions reduce interconnection costs for carriers and have given rise to the almost universal cellular plans that do no charge long-distance for any domestic calling. This should be be applied to all telephone service. It would greatly simplify regulation and could encourage the development and use of more robust landline services.

Similarly, landline phone usage has been greatly reduced by the prevalence of "spam", telemarketing, robocalls, unsolicited surveys, etc. Some years ago when I eliminated by traditional home phone, this was the reason – it not be used with the ringer on, and thus not for incoming calls. Many others have done the same thing for the same reason. Landline phones should be subject to the same rules as cellular for these annoyances.

Both of the suggestions above would strengthen the use of landline telephone services. This is especially useful in the event of disruption to the cellular network or towers. It is in the interest of national security for more people to have redundant paths and alternatives for emergency communication.

While many deletions are needed, rules limiting telemarketing, surveys, advertising faxes, and robocalls should be strengthened, whereby only direct opted-in calling situations are allowed. Those convicted of generating robocalls should be subject to the death penalty. This would reduce recidivism, and thus ease the enforcement burden on the Commission. While it is unprecedented for a regulatory agency to impose capital punishment, it would most likely be sustained in a Supreme Court challenge, as a majority of justices have probably had their dinners interrupted by these calls.

Cable / Satellite TV:

Current rules limit competition for local TV stations by limiting cable, streaming, or DTH satellite services to stations within a DMA, even though in many parts of the country stations from outside the DMA have historically been receivable. Continue to allow all signals in the DMA to be carried as "local", subject to current rules, but also allow and encourage such services to carry any additional stations that are receivable at customer's location, and consider these "local", even where network duplication occurs. Similarly, in areas outside the protected contour of the in-DMA station, allow local carriage of any station that is geographically closer, or has a stronger signal at the customer's location. The decisions of a ratings company should be enshrined into laws that limit free-market competition and determine what most people can watch.

Broadcasting, generally:

Some of the rules that are still in effect today made sense when implemented and have become "sacred cows" of the regulatory framework, but no longer withstand reasonable analysis.

1. The public file may have been useful when there were only a handful of radio stations serving an area, often no TV stations, and long before the internet. These stations were the only means of immediate public communication. This is no longer true. In my many years at many stations, only twice did anyone wish to look at the public file. In both cases these were communications students who were doing it for a report their professor had assigned. While speaking to others, I have heard either the same experience, or occasionally that competitors would look at them as a way to gather information or in hopes of getting their competition in trouble for missing some detail of this extensive regulation. Please delete it.

2. The Rural Radio Policy may once have brought stations to or kept them in underserved areas. However, limiting the flexibility of stations now to move and adapt to marketplace conditions no longer makes sense. Just about every small town, school, library and civic organization has a website, and many have social media presence that represent the primary means of reaching the community. Stations that are not commercially viable are more likely to go off the air, or become full-time repeaters of larger stations no ties to the community, rather than providing unique service to a place too small to support it. If you are looking for deletions, this would be a good one.

3. EEO Reporting is an administrative burden for broadcasters and the Commission. Since discrimination is prohibited elsewhere in law and often enforced by civil proceedings and litigation, these rules are largely duplicative and unlikely to help anyone.

4. It would ***not*** help the broadcast industry to eliminate ownership caps. It is a tempting target, but some of broadcasting's current problems have been brought on by the reduced competition that we have already seen. It has not helped the public, nor the industry to have groups with excessive concentration of ownership in a market. Keep this part.

5. Requiring "public-service" programming has never helped much and does less now. As typically defined these are non-sponsored segments on commercial stations, to afford some exposure to community organizations or issues. Even before the many ways local groups now reach interested parties, this often resulted in obscure programming with virtually no audience, or short announcements of the obvious. Such a requirement also requires reporting and review by the Commission. A commercial station that does not serve its community fails, and a non-commercial that does not serve will not sustain the funding or interest to keep it going. This, too, would be a good job for the "delete" key on the Commission's computers.

6. Over-reliance on City of License is no longer beneficial. The concept made sense in 1934, when much of America was rural, and there were almost no suburbs or metro areas. Back then, a station licensed to Arlington, VA had a different focus than one licensed to Washington, DC. Today they are both parts of the same region and have the same "community of interest" which is not a jurisdiction, but a region. Much of the regulation requiring a station to be "glued" to is city of license could be removed.

Conclusion:

Thank you for your time and attention to the items in this comment. It seems clear that elimination of some rules and adjustment of others could reduce bureaucracy and help the communicating public.

It is my hope that you find this helpful...

Respectfully submitted,

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